



ATTACHMENT B

REMARKS

By this amendment, in conjunction with the RCE filed herewith, a new set of claims is provided to emphasize the differences between the present invention, which is directed to the use of a cleansing composition for skin or hair, and the prior art, which is directed to a cosmetic anti-wrinkle composition which does not cleanse the skin. In light of the amendments to the claims and the arguments as set forth below, Applicant submits that the present application overcomes all prior rejections and has now been placed in condition for allowance.

The present invention, as reflected in the new set of claims, is directed to a hypoallergenic cleansing composition for skin or hair which comprises a human serum albumin (whether natural or produced recombinantly) and a cleansing agent in amounts effective to cleanse skin or hair, such as disclosed throughout the Applicant's specification. This composition provides for the first time a cleansing composition based on human serum albumin which can be absorbed into the skin to effect and enhance cleansing of skin and hair in a manner not previously possible. As set forth below, the present compositions differ greatly from the "Exovir" compositions in the prior art (the Kligman and Miller references as discussed below) which were acknowledged by those inventors **not** to involve cleansing, but instead only provide anti-wrinkle cosmetics which must be applied after the skin has first been cleansed.

In the Official Action, the Examiner rejected previous claims 29 and 34-36 for various reasons under 35 U.S.C. § 112. Although the Applicants do not understand the Examiner's contention that a "soap" is not a physical form, the objections of the Examiner

have been overcome in all regards by the amended claims which do not include the language objected to by the Examiner.

In the Official Action, the Examiner rejected the claims under 35 U.S.C. § 102(b) on the basis of Kligman EP 244859 and Miller EP 180968 patent references both issued to Exovir, Inc., and these rejections, insofar as applied to the claims as amended, are respectfully traversed. As the Examiner has previously recognized, the Exovir patents both relate only to cosmetic anti-wrinkle compositions and **not** to a cleansing composition as set forth in Applicant's claimed invention. This fact is made clear in that in both of the Exovir references, the inventors state that their cosmetic compositions need to be applied **after the skin is cleansed** with a cleansing agent or soap. See EP 180968 at page 5 ("In use as an antiwrinkle agent, **before the HSA preparation is applied to the skin, the skin is cleansed and dried, such as by cleansing with soap and water or by use of a cleansing cream**") and EP 244859 at Example I ("When used as an antiwrinkle preparation, **before the lotion is applied to the skin, the skin is cleansed and dried, such as by cleansing with soap and water or by use of a cleansing cream**") (Emphasis added).

As recognized by the Examiner, it is thus clear that these compositions are **not** cleansing compositions as required by the present claims, and in fact **teach away** from the present invention since they specifically perform functions **other** than cleansing, namely providing an anti-wrinkle cosmetic which is only applied **after** cleansing has taken place. Moreover, both Kligman and Miller are directed to compositions which dry out the skin so as to "lift the skin up" when dried, and this also **teaches away** from the

present compositions which cleanse skin or hair by allowing the active ingredient, i.e., human serum albumin, to be absorbed **into** the skin or hair.

Accordingly, Applicants submit that neither the Kligman or Miller references, either singly or in combination, discloses or suggests the present invention and in fact teach away from the invention because they specifically recite that their compositions are **not** cleansing agents and that a cleansing agent needs to be applied **before** their composition is applied. The present claims are thus not anticipated or made obvious by the cited references, and the Examiner's rejections in the basis of the Kligman and Miller references, insofar as applied to the claims as amended, is respectfully traversed and should be withdrawn.

In light of the amendments and arguments as set forth above, Applicants submit that the present application overcomes all prior rejections and has been placed in condition for allowance. Such action is earnestly solicited.

END REMARKS